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CALEB L. MCGILLVARY,

Plaintiff,

v.

RONALD RIEZ, et al.,

Defendant.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CASE NO. 3:22-06430-MAS-JBD

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**DECLARATION OF NON-PARTY ANDREW
YOUNGBLOOD, DMD**

I, Andrew Youngblood, DMD, of full age, declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am employed by Rutgers, The State University of New Jersey—University Correctional Healthcare (“Rutgers”) as the Director of Dentistry. As such, I have personal knowledge of policies and procedures regarding the generation and retention of dental x-rays taken of inmates incarcerated at New Jersey State Prison.

2. I submit this Declaration pursuant to the Court’s February 6, 2025 Order, in further support of non-party Rutgers’ opposition to Plaintiff Caleb L. McGillvary’s (“Plaintiff”) motion to enforce a subpoena served upon non-party Rutgers.

3. For purposes of dental x-rays, Rutgers utilizes film x-rays. Rutgers is not equipped for, and therefore does not use, digital x-rays.

4. The process for taking dental x-rays is as follows: after a dentist examines a patient and determines x-rays are needed, dental x-rays are taken by a member of the Dental Staff, typically a Dental Assistant (however a Dentist or Dental Hygienist may also take them). A film packet is placed in the patient's mouth and appropriately lined up to capture the necessary tooth or teeth. The individual will then exit the exam room, manually press a button to take the x-ray, and thereafter place it in a film developer.

5. Once the x-ray has been examined by the dentist and the dental visit is complete, the x-ray is placed in a small envelope. The patient's, name and SBI number and/or booking number are written on the envelope, and the envelope is placed in a basket to be filed by the medical records clerk in the patient's medical reference file.

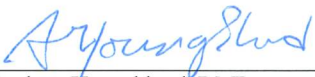
6. It is the usual practice for dentists to contemporaneously enter their notes based on their examination of the x-ray in the patient's electronic medical record.

7. Due to the manual nature of the filing system for hard-copy x-rays, it is possible for x-rays to be inadvertently misplaced or be misfiled.

8. However, it is not Rutgers' practice or procedure to intentionally destroy x-rays.

9. On October 28, 2024, I inquired with my staff whether Plaintiff's paper medical chart contained any x-rays. On October 29, 2024, my staff confirmed that there are no x-rays in Plaintiff's paper medical chart. However, I have reviewed Plaintiff's electronic medical records and have confirmed that the dental providers included notes relating to results of the x-rays taken.

I declare under penalty of perjury that the foregoing is true and correct.



Andrew Youngblood, DMD

Dated:

2/18/2025